

BOARD OF BAR OVERSEERS

of the Supreme Judicial Court
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MEMORANDUM

MAY 17, 2019

RE: Supreme Judicial Court No. BD-2019-045
In re: Donna M. Sowa – B.B.O. NO. 544075

FROM: Joseph Berman
Board General Counsel

Enclosed please find a copy of the **Judgment of Disbarment and Summary** in re: **Donna M. Sowa** whose registration address according to his/her latest records with the Board of Bar Overseers is given below.

Please be advised that this material is being circulated as a news item. The Board is not requesting the printing of a legal notice.

ADDRESS: 90 Capitol Street
New Bedford, MA 02744

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO: BD-2019-045

IN RE: DONNA M. SOWA

JUDGMENT OF DISBARMENT

This matter came before the Court, Gaziano, J., presiding, on an Affidavit of Resignation submitted by Donna M. Sowa pursuant to S.J.C. Rule 4:01, § 15, with the Recommendation and Vote of the Board of Bar Overseers, and a letter from assistant bar counsel to general counsel dated March 6, 2019, requesting that the Court accept the resignation and enter a judgment of disbarment, filed on April 26, 2019. Upon consideration thereof, it is ORDERED and ADJUDGED that:

1. the Affidavit of Resignation be, and hereby is accepted and that Attorney Donna M. Sowa is hereby disbarred from the practice of law in the Commonwealth of Massachusetts and that her name is stricken from the Roll of Attorneys. In accordance with S.J.C. Rule 4:01, sec. 17(3), the disbarment shall be effective thirty days from the date of the entry of this Judgment. The lawyer, after the entry of this Judgment, shall not accept any new retainer or engage as a lawyer for

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THE COUNTY OF SUFFOLK

another in any new case or legal matter of any nature. During the period between the entry date of this Judgment and its effective date, however, the lawyer may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

It is FURTHER ORDERED that:

2. Within fourteen (14) days of the date of entry of this Judgment, the lawyer shall:

- a) file a notice of withdrawal as of the effective date of the disbarment with every court, agency, or tribunal before which a matter is pending, together with a copy of the notices sent pursuant to paragraphs 2(c) and 2(d) of this Judgment, the client's or clients' place of residence, and the case caption and docket number of the client's or clients' proceedings;
- b) resign as of the effective date of the disbarment all appointments as guardian, executor, administrator, trustee, attorney-in-fact, or other fiduciary, attaching to the resignation a copy of the notices sent to the wards, heirs, or beneficiaries pursuant to paragraphs 2(c) and 2(d) of this Judgment, the place of residence of the wards, heirs, or beneficiaries, and the case caption and docket number of the proceedings, if any;
- c) provide notice to all clients and to all wards, heirs,

and beneficiaries that the lawyer has been disbarred; that she is disqualified from acting as a lawyer after the effective date of the disbarment; and that, if not represented by co-counsel, the client, ward, heir, or beneficiary should act promptly to substitute another lawyer or fiduciary or to seek legal advice elsewhere, calling attention to any urgency arising from the circumstances of the case;

d) provide notice to counsel for all parties (or, in the absence of counsel, the parties) in pending matters that the lawyer has been disbarred and, as a consequence, is disqualified from acting as a lawyer after the effective date of the disbarment;

e) make available to all clients being represented in pending matters any papers or other property to which they are entitled, calling attention to any urgency for obtaining the papers or other property;

f) refund any part of any fees paid in advance that have not been earned; and

g) close every IOLTA, client, trust or other fiduciary account and properly disburse or otherwise transfer all client and fiduciary funds in her possession, custody or control.

All notices required by this paragraph shall be served by

certified mail, return receipt requested, in a form approved by the Board.

3. Within twenty-one (21) days after the date of entry of this Judgment, the lawyer shall file with the Office of the Bar Counsel an affidavit certifying that the lawyer has fully complied with the provisions of this Judgment and with bar disciplinary rules. Appended to the affidavit of compliance shall be:

- a) a copy of each form of notice, the names and addresses of the clients, wards, heirs, beneficiaries, attorneys, courts and agencies to which notices were sent, and all return receipts or returned mail received up to the date of the affidavit. Supplemental affidavits shall be filed covering subsequent return receipts and returned mail. Such names and addresses of clients shall remain confidential unless otherwise requested in writing by the lawyer or ordered by the court;
- b) a schedule showing the location, title and account number of every bank account designated as an IOLTA, client, trust or other fiduciary account and of every account in which the lawyer holds or held as of the entry date of this Judgment any client, trust or fiduciary funds;
- c) a schedule describing the lawyer's disposition of all client and fiduciary funds in the lawyer's possession,

custody or control as of the entry date of this Judgment or thereafter;

d) such proof of the proper distribution of such funds and the closing of such accounts as has been requested by the bar counsel, including copies of checks and other instruments;

e) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice; and

f) the residence or other street address where communications to the lawyer may thereafter be directed.

The lawyer shall retain copies of all notices sent and shall maintain complete records of the steps taken to comply with the notice requirements of S.J.C. Rule 4:01, Section 17.

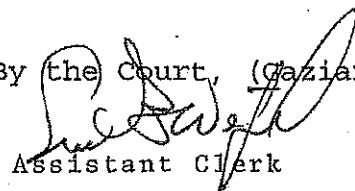
4. Within twenty-one (21) days after the entry date of this Judgment, the lawyer shall file with the Clerk of the Supreme Judicial Court for Suffolk County:

a) a copy of the affidavit of compliance required by paragraph 3 of this Judgment;

b) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice; and

c) the residence or other street address where
communications to the lawyer may thereafter be directed.

By the Court, (Gaziano, J.)


Assistant Clerk

Entered: April 29, 2019

IN RE: DONNA M. SOWA

NO. BD-2019-045

S.J.C. Judgment of Disbarment entered by Justice Gaziano on April 29, 2019, with an effective date of May 29, 2019.¹

The respondent was disbarred upon her filing an affidavit of resignation arising out of her intentional misuse of life insurance proceeds, which should have been placed in trust for a decedent's minor children.

SUMMARY²

The respondent Donna M. Sowa signed an affidavit of resignation pursuant to Supreme Judicial Court Rule 4:01, § 15, that was filed with the Board of Bar Overseers on March 6, 2019. In the affidavit, the respondent acknowledged that bar counsel would be able to prove by a preponderance of the evidence that she engaged in the conduct described below and that the Board of Bar Overseers and the Supreme Judicial Court would find that she violated the Massachusetts Rules of Professional Conduct set forth below.

In her capacity as attorney for a personal representative of an estate, in 2012 the respondent received \$212,173.34 from a life insurance policy of the decedent. The respondent was directed by her client to place the funds in a trust account for the benefit of the decedent's minor children. The respondent did not do so, and instead intentionally misused the funds, resulting in continuing deprivation to the decedent's minor children. The personal representative did not become aware of the respondent's misuse until at least November 2017. Except for two payments that the respondent made in the amounts of \$16,460.21 on behalf of the beneficiaries in 2013 and \$7,000 to one beneficiary in November 2017, the respondent did not repay the funds to the estate or the beneficiaries. In aggravation, the respondent had substantial experience in the practice of law at the time of her misconduct and the beneficiaries were minor children who sustained substantial detriment. The respondent asserted in mitigation that at the time of the misconduct, she suffered from a substance abuse problem. The respondent's misconduct violated Mass. R. Prof. C. 1.15(b), 8.4(c), and 8.4(h).

On April 8, 2019, the board voted to recommend to the Court that the affidavit of resignation be accepted and that a judgment of disbarment be entered. On April 29, 2019, the Supreme Judicial Court for Suffolk County accepted the resignation and entered a judgment of disbarment effective thirty days later.

¹ The complete Order of the court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

² Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.